



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

APR - 4 2016

GENERAL NOTICE LETTER
URGENT LEGAL MATTER
PROMPT REPLY NECESSARY
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Daryl D. Smith
Chairman, President & CEO
Troy Corporation
8 Vreeland Road
PO Box 955
Florham Park, NJ 07932-0955

Re: Pierson's Creek Superfund Site, Newark New Jersey
Notice of Potential Liability and Request to Perform Response Actions Pursuant to the
Comprehensive Environmental Response, Compensation, and Liability Act,
42 U.S.C. §§ 9601-9675

Dear Mr. Smith:

The U.S. Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances, pollutants, and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. §§ 9601-9675.

NOTICE OF POTENTIAL LIABILITY

EPA has documented the release and threatened release of hazardous substances into the environment at the Pierson's Creek Superfund Site ("Site") located in Newark, New Jersey. This letter serves to notify you that EPA considers Troy Corporation ("Troy") a potentially responsible party ("PRP") at this Site and that Troy may be liable under CERCLA for the cleanup of this Site.

Under CERCLA, PRPs may be required to perform cleanup actions and/or may be held liable for costs incurred by the federal government in taking response actions at and around sites where there has been a release or a threatened release of hazardous substances. This can include costs incurred performing investigative, planning, removal, and enforcement activities. Pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), PRPs include current and former owners and operators of a site, as well as persons who arranged for treatment and/or disposal of any

hazardous substances found at the site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

REQUEST TO PERFORM RESPONSE ACTION

Previously, in a letter dated, July 13, 2015, EPA requested that Troy address a contaminated ditch located on its property by performing a non-time critical removal action. Although this Removal Action was not performed, EPA has since conducted a visit to the property on January 21, 2016, and based upon this visit and historical data obtained for this property, EPA has determined that a Remedial Investigation/Feasibility Study ("RI/FS") for the entire Troy property would be more appropriate as a first response action at the property. The contaminated ditch would be incorporated into the RI/FS. In the near future, EPA intends to seek Troy's participation in the performance of a comprehensive RI/FS for the entire Pierson's Creek Site with other PRPs.

EPA seeks to determine whether Troy is willing to enter into negotiations for the performance of an RI/FS on the Troy property. Accordingly, please advise EPA within 14 days of receipt of this letter whether Troy would be willing to negotiate in good faith with EPA concerning the performance of this work with EPA oversight. This response action would have to be memorialized in an Administrative Settlement Agreement and Order on Consent with EPA, a draft of which will be sent to you shortly. Please email your response to Amelia Wagner, Assistant Regional Counsel, EPA Region 2 at wagner.amelia@epa.gov with an email copy to Pamela Tames, P.E., Emergency and Remedial Response Division, EPA Region 2, at tames.pam@epa.gov

This notice letter is not being provided pursuant to the special notice procedures outlined in Section 122(e) of CERCLA, 42 U.S.C. § 9622 (e), because EPA does not believe that those procedures would expedite the work at this Site.

Should Troy not voluntarily agree to perform the work requested by EPA, EPA may unilaterally require Troy to perform the work pursuant to Section 106(a) of CERCLA, 42 U.S.C. § 9606(a). If EPA funds and performs the work itself, Troy may be liable under Section 107(a) of CERCLA for all costs EPA incurs in performing this work.

Please give the matter addressed in this letter your immediate attention. If you have any legal questions or would like to discuss this matter with EPA, please contact Ms. Wagner at 212-637-3141. Should you have any technical questions regarding this matter, please direct them to Ms. Tames at 212-637-4255.

Sincerely yours,



Nicoletta DiForte, Deputy Director for Enforcement
Emergency and Remedial Response Division

April 4, 2016 General Notice Letter to Troy Corporation for Pierson's Creek Superfund Site Remedial
Investigation/Feasibility Study at the Troy Property

cc: Alexander M. Gerardo, VP, Administration & Government Relations, Troy Corp.
Seth Goldberg, Esq., Steptoe & Johnson LLP (via electronic mail)
Dennis Toft, Esq., Chiesa, Shahinian & Giantomasi, PC